

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10
11 NAHIR RAMOS, individually and as the
12 Administrator of the ESTATE OF ANGEL
RAMOS,

13 Plaintiff,

14 v.

15 THOMAS J. MARCISZ, M.D.; DAVID J.
OBLON, M.D.; and TRI-CITY MEDICAL
CENTER,

16 Defendants.

Civil No. 06cv2282-W (CAB)

**ORDER DENYING RENEWED
MOTION TO EXCLUDE EXPERT
REPORTS
[Doc. No. 72]**

17
18 On September 26, 2008, the Court held a telephonic conference on Defendants' Renewed
19 Motion to Exclude Plaintiff's Expert Witness Reports from Introduction at Trial. [Doc. No. 72.] Lee
20 Lubin, Esq., appeared for Plaintiff Nahir Ramos. Clark Hudson, Esq., appeared for Defendant
21 Thomas Marcisz. Mark Birmingham, Esq., appeared for Defendant Tri-City Medical Center. Having
22 considered the submissions of the parties and the arguments of counsel, the Motion is **DENIED**.

23 Plaintiff was ordered to serve the Rule 26(a)(2) reports of her experts on the Defendants no
24 later than May 19, 2008. [Doc. No. 65.] The reports were timely served and the depositions of
25 plaintiff's experts were taken in July. Defendants' renewed request to exclude the reports and
26 testimony of these experts does not demonstrate prejudice resulting from the delayed reports that
27 would justify striking the reports, so the motion is denied.

28 Further, in light of the Order Granting Summary Judgment for Defendant Marcisz, issued
on September 26, 2008 [Doc.No. 83], this Court declines to issue any additional order or recommen-

1 dation regarding the production of the plaintiff's expert reports.

2 **IT IS SO ORDERED.**

3
4 DATED: September 26, 2008

5 
6 CATHY ANN BENCIVENGO
7 United States Magistrate Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28